

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MATT LYLE,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-12-55

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
TO GRANT RESPONDENT’S MOTION TO DISMISS**

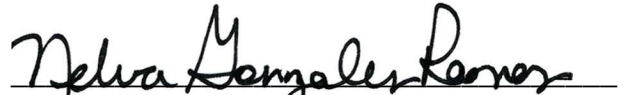
On July 2, 2012, United States Magistrate Judge Brian L. Owsley issued his “Memorandum and Recommendation to Grant Respondent’s Motion to Dismiss” (D.E. 25). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 25), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent’s Motion

to Dismiss (D.E. 15) is **GRANTED** and this action is **DISMISSED** as moot. In the event that Petitioner seeks a certificate of appealability, it is **DENIED**.

ORDERED this 20th day of July, 2012.

A handwritten signature in black ink, reading "Nelva Gonzales Ramos", written over a horizontal line.

NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE